



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0486

Introduced 1/27/2005, by Rep. Karen May

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1041	from Ch. 34, par. 5-1041
55 ILCS 5/5-1042	from Ch. 34, par. 5-1042
65 ILCS 5/11-12-5	from Ch. 24, par. 11-12-5

Amends the Counties Code and the Illinois Municipal Code to authorize the county boards of certain counties to establish rules and regulations and authorizes certain municipal commissions and planning departments to implement a comprehensive plan by ordinance for the provision of public grounds for park districts, fire protection districts, township fire departments, and local law enforcement agencies. Authorizes the county boards of certain counties to establish rules and regulations and authorizes certain municipal plan commissions and planning departments to implement a comprehensive plan by ordinance for the provision of public grounds for park districts, fire protection districts, township fire departments, and local law enforcement agencies. Effective immediately.

LRB094 05183 AJO 35225 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing  
5 Sections 5-1041 and 5-1042 as follows:

6 (55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)

7 Sec. 5-1041. Maps, plats and subdivisions. A county board  
8 may prescribe, by resolution or ordinance, reasonable rules and  
9 regulations governing the location, width and course of streets  
10 and highways and of floodplain, stormwater and floodwater  
11 runoff channels and basins, and the provision of necessary  
12 public grounds for schools, public libraries, fire protection  
13 districts, township fire departments, park districts, parks,  
14 or playgrounds, or local law enforcement agencies in any map,  
15 plat or subdivision of any block, lot or sub-lot or any part  
16 thereof or any piece or parcel of land, not being within any  
17 city, village or incorporated town. The rules and regulations  
18 may include such reasonable requirements with respect to water  
19 supply and sewage collection and treatment as may be  
20 established by the Environmental Protection Agency, and such  
21 reasonable requirements with respect to floodplain and  
22 stormwater management as may be established by the County  
23 Stormwater Management Committee established under Section  
24 5-1062 of this Code, and such reasonable requirements with  
25 respect to street drainage and surfacing as may be established  
26 by the county engineer or superintendent of highways and which  
27 by resolution shall be deemed to be the minimum requirements in  
28 the interest of the health, safety, education and convenience  
29 of the public of the county; and may provide by resolution that  
30 the map, plat or subdivision shall be submitted to the county  
31 board or to some officer to be designated by the county board  
32 for their or his approval. The county board shall have a

1 qualified engineer make an estimate of the probable  
2 expenditures necessary to enable any person to conform with the  
3 standards of construction established by the board pursuant to  
4 the provisions of this Section. Except as provided in Section 3  
5 of the Public Construction Bond Act, each person who seeks the  
6 county board's approval of a map, plat or subdivision shall  
7 post a good and sufficient cash bond, irrevocable letter of  
8 credit, surety bond, or other adequate security with the county  
9 clerk, in a penal sum sufficient to cover the estimate of  
10 expenditures made by the estimating engineer. The cash bond,  
11 irrevocable letter of credit, surety bond, or other adequate  
12 security shall be conditioned upon faithful adherence to the  
13 rules and regulations of the county board promulgated pursuant  
14 to the authorization granted to it by this Section or by  
15 Section 5-1062 of this Code, and in such cases no such map,  
16 plat or subdivision shall be entitled to record in the proper  
17 county or have any validity until it has been so approved. If  
18 the county board requires a cash bond, letter of credit,  
19 surety, or any other method to cover the costs and expenses and  
20 to insure completion of the requirements, the requirements  
21 shall be subject to the provisions of Section 5-1123 of this  
22 Code. This Section is subject to the provisions of Section  
23 5-1123.

24 The county board may, by resolution, provide a schedule of  
25 fees sufficient to reimburse the county for the costs incurred  
26 in reviewing such maps, plats and subdivisions submitted for  
27 approval to the county board. The fees authorized by this  
28 Section are to be paid into the general corporate fund of the  
29 county by the party desiring to have the plat approved.

30 For purposes of implementing ordinances regarding  
31 developer donations or impact fees and only for the purpose of  
32 expenditures thereof, "public grounds for schools" is defined  
33 as including land or site improvements, which include school  
34 buildings or other infrastructure necessitated and  
35 specifically and uniquely attributable to the development or  
36 subdivision in question. This amendatory Act of the 93rd

1 General Assembly applies to all impact fees or developer  
2 donations paid into a school district or held in a separate  
3 account or escrow fund by any school district or county for a  
4 school district.

5 For purposes of implementing ordinances regarding  
6 developer donations or impact fees and only for the purpose of  
7 expenditures thereof, "fire protection districts" is defined  
8 as including land or site improvements, including fire  
9 protection district buildings or other infrastructure  
10 necessitated by and specifically and uniquely attributable to  
11 the development or subdivision in question. This amendatory Act  
12 of the 94th General Assembly applies to all impact fees or  
13 developer donations paid into a fire protection district or  
14 held in a separate account or escrow fund by any fire  
15 protection district or county for a fire protection district.

16 For purposes of implementing ordinances regarding  
17 developer donations or impact fees and only for the purpose of  
18 expenditures thereof, "township fire departments" is defined  
19 as including land or site improvements, including township fire  
20 department buildings or other infrastructure necessitated by  
21 and specifically and uniquely attributable to the development  
22 or subdivision in question. This amendatory Act of the 94th  
23 General Assembly applies to all impact fees or developer  
24 donations paid into a township fire department or held in a  
25 separate account or escrow fund by any township fire department  
26 or county for a township fire department.

27 For purposes of implementing ordinances regarding  
28 developer donations or impact fees and only for the purpose of  
29 expenditures thereof, "park districts, parks, or playgrounds"  
30 is defined as including land or site improvements, including  
31 park district buildings or other infrastructure necessitated  
32 by and specifically attributable to the development or  
33 subdivision in question. This amendatory Act of the 94th  
34 General Assembly applies to all impact fees and developer  
35 donations paid into a park district or held in a separate  
36 account or escrow fund by any park district or county for a

1 park district.

2 For purposes of implementing ordinances regarding  
3 developer donations or impact fees and only for the purpose of  
4 expenditures thereof, "local law enforcement agencies" is  
5 defined as including land or site improvements, including law  
6 enforcement agency buildings or other infrastructure  
7 necessitated by and specifically attributable to the  
8 development or subdivision in question. This amendatory Act of  
9 the 94th General Assembly applies to all impact fees and  
10 developer donations paid to a local law enforcement agency or  
11 held in a separate account or escrow fund by any local law  
12 enforcement agency or county for a law enforcement agency.

13 No officer designated by a county board for the approval of  
14 plats shall engage in the business of surveying, and no map,  
15 plat or subdivision shall be received for record or have any  
16 validity which has been prepared by or under the direction of  
17 such plat officer.

18 It is the intention of this amendatory Act of 1990 to  
19 repeal the language added to Section 25.09 of "An Act to revise  
20 the law in relation to counties", approved March 31, 1874, by  
21 P.A. 86-614, Section 25.09 of that Act being the predecessor of  
22 this Section.

23 (Source: P.A. 92-479, eff. 1-1-02; 93-330, eff. 7-24-03.)

24 (55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

25 Sec. 5-1042. Maps, plats and subdivisions in certain  
26 counties. In any county with a population not in excess of  
27 500,000 located in the area served by the Northeastern Illinois  
28 Metropolitan Planning Commission, a county board may establish  
29 by ordinance or resolution of record reasonable rules and  
30 regulations governing the location, width and course of streets  
31 and highways, and the provision of public grounds for schools,  
32 public libraries, fire protection districts, township fire  
33 departments, park districts, parks, or playgrounds, or local  
34 law enforcement agencies in any map, plat or subdivision of any  
35 block, lot or sub-lot or any part thereof or any piece or

1 parcel of land in the county, not being within any city,  
2 village or incorporated town in the county which rules and  
3 regulations may include such reasonable requirements with  
4 respect to water supply and sewage collection and treatment,  
5 and such reasonable requirements with respect to street  
6 drainage and surfacing, as may be established by the county  
7 board as minimum requirements in the interest of the health,  
8 safety and convenience of the public of the county; and may  
9 require by ordinance or resolution of record that any map, plat  
10 or subdivision shall be submitted to the county board or some  
11 officer to be designated by the county board for its or his  
12 approval in the manner provided in Section 5-1041, and to  
13 require bonds and charge fees as provided in Section 5-1041.  
14 This Section is subject to the provisions of Section 5-1123.

15 For purposes of implementing ordinances regarding  
16 developer donations or impact fees and only for the purpose of  
17 expenditures thereof, "public grounds for schools" is defined  
18 as including land or site improvements, which include school  
19 buildings or other infrastructure necessitated and  
20 specifically and uniquely attributable to the development or  
21 subdivision in question. This amendatory Act of the 93rd  
22 General Assembly applies to all impact fees or developer  
23 donations paid into a school district or held in a separate  
24 account or escrow fund by any school district or county for a  
25 school district.

26 For purposes of implementing ordinances regarding  
27 developer donations or impact fees and only for the purpose of  
28 expenditures thereof, "fire protection districts" is defined  
29 as including land or site improvements, including fire  
30 protection district buildings or other infrastructure  
31 necessitated by and specifically and uniquely attributable to  
32 the development or subdivision in question. This amendatory Act  
33 of the 94th General Assembly applies to all impact fees or  
34 developer donations paid into a fire protection district or  
35 held in a separate account or escrow fund by any fire  
36 protection district or county for a fire protection district.

1       For purposes of implementing ordinances regarding  
2 developer donations or impact fees and only for the purpose of  
3 expenditures thereof, "township fire departments" is defined  
4 as including land or site improvements, including township fire  
5 department buildings or other infrastructure necessitated by  
6 and specifically and uniquely attributable to the development  
7 or subdivision in question. This amendatory Act of the 94th  
8 General Assembly applies to all impact fees or developer  
9 donations paid into a township fire department or held in a  
10 separate account or escrow fund by any township fire department  
11 or county for a township fire department.

12       For purposes of implementing ordinances regarding  
13 developer donations or impact fees and only for the purpose of  
14 expenditures thereof, "park districts, parks, or playgrounds"  
15 is defined as including land or site improvements, including  
16 park district buildings or other infrastructure necessitated  
17 by and specifically attributable to the development or  
18 subdivision in question. This amendatory Act of the 94th  
19 General Assembly applies to all impact fees and developer  
20 donations paid into a park district or held in a separate  
21 account or escrow fund by any park district or county for a  
22 park district.

23       For purposes of implementing ordinances regarding  
24 developer donations or impact fees and only for the purpose of  
25 expenditures thereof, "local law enforcement agencies" is  
26 defined as including land or site improvements, including law  
27 enforcement agency buildings or other infrastructure  
28 necessitated by and specifically attributable to the  
29 development or subdivision in question. This amendatory Act of  
30 the 94th General Assembly applies to all impact fees and  
31 developer donations paid to a local law enforcement agency or  
32 held in a separate account or escrow fund by any local law  
33 enforcement agency or county for a law enforcement agency.

34 (Source: P.A. 93-330, eff. 7-24-03.)

35       Section 10. The Illinois Municipal Code is amended by

1 changing Section 11-12-5 as follows:

2 (65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

3 Sec. 11-12-5. Every plan commission and planning  
4 department authorized by this division 12 has the following  
5 powers and whenever in this division 12 the term plan  
6 commission is used such term shall be deemed to include the  
7 term planning department:

8 (1) To prepare and recommend to the corporate authorities a  
9 comprehensive plan for the present and future development or  
10 redevelopment of the municipality. Such plan may be adopted in  
11 whole or in separate geographical or functional parts, each of  
12 which, when adopted, shall be the official comprehensive plan,  
13 or part thereof, of that municipality. This plan may include  
14 reasonable requirements with reference to streets, alleys,  
15 public grounds, and other improvements hereinafter specified.  
16 The plan, as recommended by the plan commission and as  
17 thereafter adopted in any municipality in this state, may be  
18 made applicable, by the terms thereof, to land situated within  
19 the corporate limits and contiguous territory not more than one  
20 and one-half miles beyond the corporate limits and not included  
21 in any municipality. Such plan may be implemented by ordinances  
22 (a) establishing reasonable standards of design for  
23 subdivisions and for resubdivisions of unimproved land and of  
24 areas subject to redevelopment in respect to public  
25 improvements as herein defined; (b) establishing reasonable  
26 requirements governing the location, width, course, and  
27 surfacing of public streets and highways, alleys, ways for  
28 public service facilities, curbs, gutters, sidewalks, street  
29 lights, park districts, parks, or playgrounds, school grounds,  
30 public libraries, fire protection districts, township fire  
31 departments, local law enforcement agencies, size of lots to be  
32 used for residential purposes, storm water drainage, water  
33 supply and distribution, sanitary sewers, and sewage  
34 collection and treatment; and (c) may designate land suitable  
35 for annexation to the municipality and the recommended zoning

1 classification for such land upon annexation.

2 (2) To recommend changes, from time to time, in the  
3 official comprehensive plan.

4 (3) To prepare and recommend to the corporate authorities,  
5 from time to time, plans for specific improvements in pursuance  
6 of the official comprehensive plan.

7 (4) To give aid to the municipal officials charged with the  
8 direction of projects for improvements embraced within the  
9 official plan, to further the making of these projects, and,  
10 generally, to promote the realization of the official  
11 comprehensive plan.

12 (5) To prepare and recommend to the corporate authorities  
13 schemes for regulating or forbidding structures or activities  
14 which may hinder access to solar energy necessary for the  
15 proper functioning of solar energy systems, as defined in  
16 Section 1.2 of The Comprehensive Solar Energy Act of 1977, or  
17 to recommend changes in such schemes.

18 (6) To exercise such other powers germane to the powers  
19 granted by this article as may be conferred by the corporate  
20 authorities.

21 (7) For purposes of implementing ordinances regarding  
22 developer donations or impact fees, and specifically for  
23 expenditures thereof, "school grounds" is defined as including  
24 land or site improvements, which include school buildings or  
25 other infrastructure necessitated and specifically and  
26 uniquely attributed to the development or subdivision in  
27 question. This amendatory Act of the 93rd General Assembly  
28 applies to all impact fees or developer donations paid into a  
29 school district or held in a separate account or escrow fund by  
30 any school district or municipality for a school district.

31 (8) For purposes of implementing ordinances regarding  
32 developer donations or impact fees and only for the purpose of  
33 expenditures thereof, "fire protection districts" is defined  
34 as including land or site improvements, including fire  
35 protection district buildings or other infrastructure  
36 necessitated by and specifically and uniquely attributable to

1 the development or subdivision in question. This amendatory Act  
2 of the 94th General Assembly applies to all impact fees or  
3 developer donations paid into a fire protection district or  
4 held in a separate account or escrow fund by any fire  
5 protection district or municipality for a fire protection  
6 district.

7 (9) For purposes of implementing ordinances regarding  
8 developer donations or impact fees and only for the purpose of  
9 expenditures thereof, "township fire departments" is defined  
10 as including land or site improvements, including township fire  
11 department buildings or other infrastructure necessitated by  
12 and specifically and uniquely attributable to the development  
13 or subdivision in question. This amendatory Act of the 94th  
14 General Assembly applies to all impact fees or developer  
15 donations paid into a township fire department or held in a  
16 separate account or escrow fund by any township fire department  
17 or municipality for a township fire department.

18 (10) For purposes of implementing ordinances regarding  
19 developer donations or impact fees and only for the purpose of  
20 expenditures thereof, "park districts, parks, or playgrounds"  
21 is defined as including land or site improvements, including  
22 park district buildings or other infrastructure necessitated  
23 by and specifically attributable to the development or  
24 subdivision in question. This amendatory Act of the 94th  
25 General Assembly applies to all impact fees and developer  
26 donations paid into a park district or held in a separate  
27 account or escrow fund by any park district or municipality for  
28 a park district.

29 (11) For purposes of implementing ordinances regarding  
30 developer donations or impact fees and only for the purpose of  
31 expenditures thereof, "local law enforcement agencies" is  
32 defined as including land or site improvements, including law  
33 enforcement agency buildings or other infrastructure  
34 necessitated by and specifically attributable to the  
35 development or 94th subdivision in question. This amendatory  
36 Act of the 94th General Assembly applies to all impact fees and

1 developer donations paid to a local law enforcement agency or  
2 held in a separate account or escrow fund by any local law  
3 enforcement agency or municipality for a law enforcement  
4 agency.

5 (Source: P.A. 93-330, eff. 7-24-03.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.